

Minutes
Bar Harbor Town Council
November 17, 2009

- I. CALL TO ORDER** – 7:00 p.m. – In attendance were Councilors: Ruth Eveland, Jane Disney, Robert Jordan, Jr. and Peter St. Germain; and Town Manager Dana Reed.

A. Excused Absence(s) – Mr. Jordan, with second by Ms. Disney, moved to excuse Sandy McFarland, Paul Paradis and Greg Veilleux as provided by Town Charter section C-12.B(1)(d). Motion passed 4-0.

II. APPROVAL OF MINUTES

A. October 20, 2009 – Ms. Eveland noted a typographical error on the correction made to the acceptance of the October 6, 2009 minutes stating that “dark sky complaint” should correctly reflect “dark sky compliant”.

B. October 29, 2009 -. Mr. St. Germain, with second by Mr. Jordan, moved to approve both the minutes of October 20, 2009 regular meeting as amended and the minutes of October 29, 2009. Motion passed 4-0.

- III. ADOPTION OF AGENDA** – Ms. Eveland explained that some of the items under the Consent Agenda and Executive Session would be better served if those Councilors excused from this meeting might be able to have some input. Mr. Jordan, with second by Mr. St. Germain moved to adopt all items on the agenda with the exception of the items under the Consent Agenda and the Executive Session, all of which would be tabled until the next Council Meeting to be held, December 1, 2009. Motion passed 4-0.

- IV. FINANCIAL STATEMENTS** – Mr. Jordan, with second by Ms. Disney moved to accept the October 2009 financial statements as presented in the Finance Director’s memo dated November 10, 2009. Motion passed 4-0.

V. PUBLIC HEARINGS:

A. General Assistance Ordinance – *Public hearing on and possible adoption of the annual revision of maximum benefit levels in Bar Harbor Code, Chapter 102, General Assistance, Appendixes A, B, and C pursuant to 22 MRSA §4305(4).* There being no public comments, Mr. Jordan, with second by Mr. St. Germain, moved to approve the adoption of the annual revision of maximum benefit levels in Bar Harbor Code Chapter 102, General Assistance, Appendixes A, B, and C pursuant to 22 MRSA §4305(4). Motion passed 4-0.

B. Special Amusement Permit Renewal: Little Anthony’s, 131 Cottage Street, request for a Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Greg Noble. There being no public comments, Mr. Jordan, with second by Ms. Disney, moved to ap-

prove the Special Amusement Permit for Little Anthony's as requested.
Motion passed 4-0.

VI. REGULAR BUSINESS:

A. Consent Agenda – A single vote has been scheduled to approve the following items of business without discussion, unless individual agenda item action is requested by a Councilor.

- 1. FY10 Goal Setting** – Action deferred to December 1, 2009 meeting Council Meeting.
- 2. Cruise Ship Study Task Force** – Action deferred to December 1, 2009 Council Meeting.

B. Street Lights – *Petition of Ledgewood Road residents for retention of street lights.* After a brief discussion, Ms. Disney, with second by Mr. St. Germain moved to accept the petition of the residents of Ledgewood Road and retain the street lights on Ledgewood Road. Motion passed 3-1 (Nay: Mr. Jordan).

C. Town Charter:

- 1. Receipt of the Charter Commission's Final Report*
- 2. Adoption of an Order to place the Charter modification on the June ballot.*
- 3. Consideration of the Charter Commission recommendation to place the question of reducing the number of Town Councilors from seven to five on the June ballot.*

Mr. St. Germain, with second by Mr. Jordan moved to table 1) the receipt Charter Commission's Final Report; 2) Adoption of an Order to place the Charter modification on the June ballot; and 3) Consideration of the Charter Commission's recommendation to place the question of reducing the number of the Town Councilors from seven to five on the June ballot until the December 1, 2009 Council Meeting, so that the excused Councilors would have an opportunity to discuss the final report. Motion passed 4-0.

D. Affordable Housing: Northeast Creek – *Request of the Bar Harbor Housing Authority for amendment of the 2007 memorandum of understanding to permit the transfer of \$1,000,000 for infrastructure expenses.* Terrance Kelley, Executive Director of the Bar Harbor Housing Authority and Elizabeth Bryer, Housing Authority Commissioner, gave a brief overview of the proposed amendment to the 2007 memorandum of understanding. Ms. Eveland suggested that Mr. McFarland and Mr. Reed meet to discuss any additional steps that might be needed as to the acceptance of the amendment by the Town. After a lengthy discussion, Mr. St. Germain, with second by Mr. Jordan moved to have the Bar Harbor Housing review the final version and bring this matter again before the Council at the December 15, 2009 meeting. Motion passed 4-0.

- E. FY10 Budget** – *Request of the Town Manager for a supplemental appropriation as a result of a \$53,905 Federal Emergency Management Agency grant for emergency repairs due to June and July storms.* Mr. Jordan with second by Mr. St. Germain moved to direct the Treasurer to increase the CIP appropriation and revenue budget by \$31,419 and the General Fund appropriation and revenue budgets by \$22,486 to reflect FEMA Grant monies received for federal disaster assistance in the repair of roads, Glen Mary pool, etc., as outlined in the finance director's November 12th memo. Motion passed 4-0.
- F. Water Company Building** – *Report of Public Works Director Chip Reeves on plans to vacate the current Water Division office building.* Mr. Reeves indicated that the landlord will be remodeling the Park Street office building to Town specifications over the winter and that the Water Division expected to move into its new offices in the spring. The Town Council plans to address disposition of the old building in the interim. Mr. Jordan, with second by Ms. Disney moved to endorse the Water Division's plan for vacating the former office space at 335 Main Street. Motion passed 4-0.
- G. Transfer Station** – *Request of the Town Manager for adoption of regulations to control unauthorized removal of waste materials.* Mr. Reeves reported on staff concerns for public safety as several individuals are removing large quantities of waste metals from inside the collection bins. After a very brief discussion Ms. Disney, with second by Mr. St. Germain moved to prohibit the unauthorized removal of waste materials from the Transfer Station. Motion passed 4-0.
- H. Cooperating Agency Policy** – *Request of Councilor Disney for review of the Council policy regarding funding for non-municipal agencies receiving property tax dollars.* – After a lengthy discussion, Ms. Eveland suggested that, rather than changing the rules or possibly tabling this matter forward, that Ms. Disney, Mr. McFarland, and Mr. Reed meet to further discuss possible ways to implement other considerations for outside cooperating agencies to be included in the funding process.
- I. Public Engagement** – *Request of Councilor Disney for discussion of ways to increase public awareness of and involvement in Town affairs.* – A discussion ensued as to the possible ways of involving the public and getting them involved. Some suggestions were to publish a newsletter via email or in the local papers, notifying the larger employers either by email or hard copy, and emailing all the agendas out to the public individually on various meetings being held. Concerns were raised as to the deadline dates of the agendas, cost of the publications in local papers, etc. Concern for costs need to be addressed through the budget process. There was no action taken.
- J. Treasurer's Warrant** – *Request of Treasurer to authorize paid bills.* – Mr. Jordan with second by Mr. St. Germain, moved to sign the Treasurer's Warrant for paid bills. Motion passed 4-0.

VII. COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA

Mr. St. Germain - Suggested that serving on the various boards in town is the best way to become involved.

Ms. Disney – Would like to have a public hearing on the Northeast Creek Workforce Housing Memo of Understanding amendment and the Cooperating Agencies funding.

Mr. Jordan – New flagpole on top of Fire Station is awesome.

VIII. MATTERS FOR POSSIBLE EXECUTIVE SESSION:

A. Salary Plan – Action deferred to December 1, 2009 Council Meeting – see Section III – Adoption of Agenda.

B. Land Acquisition – Action deferred to December 1, 2009 Council Meeting – see Section III – Adoption of Agenda.

C. Town Manager's Performance Evaluation – Action deferred to December 1, 2009 Council Meeting – see Section III – Adoption of Agenda.

IX. ADJOURNMENT – Mr. Jordan, with second by Mr. St. Germain, moved to adjourn at 8:43 p.m. Motion passed 4-0.

Paul Paradis, Secretary